

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff,

-against-

ALAN GELBSTEIN, *in his individual capacity*, IDA
TRASCHEN, *in her individual capacity*, DANIELLE
CALVO, *in her individual capacity*, SADIQ TAHIR,
in his individual capacity, PEC GROUP
OF NY, INC., DAVID SMART, and DMV
COMMISSIONER MARK SCHROEDER,
in his official capacity,

Defendants.

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BLOOM, United States Magistrate Judge:

The Court ordered Defendant David Smart to respond to plaintiff's interrogatories dated August 25, 2020 by February 12, 2021. ECF No 154. Plaintiff reports that Defendant Smart has not responded to his interrogatories and moves the Court to impose sanctions on Defendant Smart. ECF No. 157. The state defendants oppose plaintiff's motion. ECF No. 158. Plaintiff's request is denied without prejudice.

Defendant Smart proceeds in this matter *pro se*, and unlike plaintiff, Mr. Smart is not an attorney. The Court shall therefore give Mr. Smart another chance to comply with the Court's Order. The Court shall hold a conference in this action on March 16, 2021 at noon. Instead of providing written responses to plaintiff's interrogatories, **Defendant Smart shall call the Chambers telephone conference line at (888) 363-4734 and use the access code 4444221 at 12:00p.m. on March 16, 2021.** At the conference, the Court shall swear Defendant Smart to the truth of his testimony and Defendant Smart shall answer plaintiff's interrogatories orally on the

record. The Clerk of Court is respectfully requested to serve a copy of this order upon Defendant Smart via overnight delivery.

SO ORDERED.

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LOIS BLOOM
United States Magistrate Judge

Dated: February 25, 2021
Brooklyn, New York